

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

POLY-AMERICA, L.P. §
§
v. § CIVIL NO. 4:20-CV-837-SDJ
§
API INDUSTRIES, INC. §

ORDER

Pending before the Court is Defendant's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue. (Dkt. #10). Because Defendant's objections relate to this Court's jurisdiction and are potentially dispositive of this case, the Court concludes that merits discovery should be stayed pending the Court's resolution of Defendant's motion to dismiss. *See Carder v. Cont'l Airlines, Inc.*, 595 F. App'x 293, 300 (5th Cir. 2014) ("[A] trial court may properly exercise its discretion to stay discovery pending a decision on a dispositive motion." (quotation omitted)).

It is therefore **ORDERED** that, with the exception of discovery on the jurisdiction and venue issues raised in Defendant's dismissal motion, all other discovery and case deadlines are hereby **STAYED** pending the Court's resolution of Defendant's dismissal motion. The Court will enter a scheduling order, if necessary, after Defendants' dismissal motion has been adjudicated.

It is further **ORDERED** that discovery related to jurisdiction and venue shall be completed by **May 14, 2021**. This deadline may be extended for good cause on the motion of any party. When seeking such discovery, Plaintiff must "identify the discovery needed, the facts expected to be obtained thereby, and how such information would support personal jurisdiction" or venue. *AdvoCare Int'l, LP v.*

Modere, Inc., No. 4:17-CV-00194, 2017 WL 3608190, at *1 (E.D. Tex. Aug. 22, 2017) (quoting *Mello Hielo Ice, Ltd. v. Ice Cold Vending LLC*, No. 4:11-cv-629-A, 2012 WL 104980, at *7 (N.D. Tex. Jan. 11, 2012)) (internal quotation marks omitted).

In the event the parties encounter a discovery dispute, no motions to compel may be filed until after the parties fulfill the “meet and confer” requirement imposed by this Court’s Local Rule CV-7(h). If the parties are unable to resolve the dispute without court intervention, the parties must call the Court’s chambers to schedule a telephone conference regarding the subject matter of the dispute prior to filing any motion to compel. After reviewing the dispute, the Court will confer with the parties to resolve the dispute, and, if necessary, order the parties to file an appropriate motion.

So ORDERED and SIGNED this 13th day of April, 2021.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE